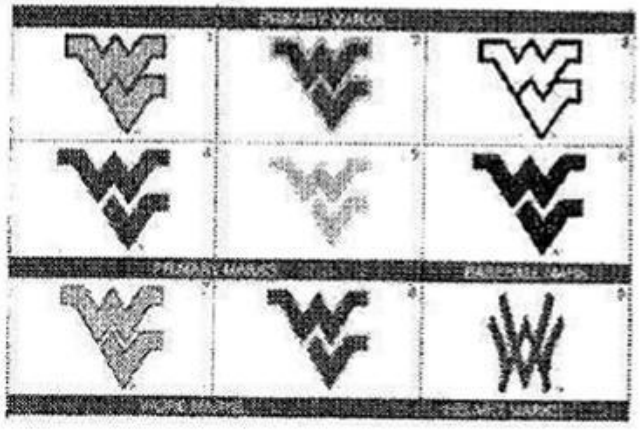
Morris, Craig

From: Ricki Edwardson (b)(6)
Sent: Friday, February 11, 2011 5:08 PM
To: TMFeedback
Subject: Small Business Study
Attachments: clc0001.pdf; clc10001.pdf; clc20001.pdf

I am not a trademark owner. We are however a dealer for Basement Systems, Inc. who does have a trademark patent. They allow us to use their trademark in our business name to sell their products. The name of our business is Basement Systems of West Virginia. Our logo is an adapted version of the trademark Basement Systems logo with a WV added to the end of it to represent our company and the area we serve. We have recently become a target of litigation actions to enforce trademark rights beyond a reasonable interpretation. Our logo appears completely different than the logo that the claimant states we are infringing upon. The company we received the letter for represents a major university, which has the means to fight a costly legal battle, which being a small business, we do not. We also don't have the means to pay thousands of dollars to have our logo changed. This would mean getting new shirts for our workers to wear, truck re-lettered, letter head, checks, etc.... The nature of business we are in also does not complete in any way with the university. I have attached the letter we recently received in hopes that it helps your study, and puts a stop to this "bullying" of small business. I do feel this is a problem and the USPTO should do something to put a stop to this type of abuse. One suggestion would be a warning systems followed by fines for repeated abuse. If not these large corporations/entities will continue to intimidate/bully small businesses whose logo they feel resembles their own. Most cases the small business will not fight the large corporations due to the fear of paying thousands or more in legal fees. In the mean time, any advice you could give me with our current situation would be greatly appreciated. I have attached our logo and the logo of the complaining party.

Our complete logo, not just the WV

The complainant's logo



Respectfully,
Ricki Edwardson
Basement Systems of WV